

Differentiating formal discussions (in which union representation must be allowed) from other discussions (which do not require union representation) is important.

Formal Indicators

Federal Labor Relations Authority (FLRA) decisions have indicated that if some of the following conditions are present, the meeting is probably formal:

- ☐ The issue addressed during the meeting is a grievance, personnel policy or practice, or general condition of employment.
- ☐ The meeting is scheduled in advance.
- ☐ The management representative who holds the meeting is a first-line supervisor or higher.
- ☐ Other agency representatives besides the first-line supervisor attend the meeting.
- ☐ The meeting takes place away from the work site or shop floor.
- ☐ The meeting lasts for a relatively long period of time.
- ☐ There is an agenda.
- ☐ Employee attendance is mandatory.
- ☐ The meeting follows a set of procedures (e.g., a chairperson presides, minutes are taken, and attendance is verified).

Informal Indicators

As a best practice, you should check your CBA for any negotiated representation rights.

- ☐ Calling an employee's attention to an existing work procedure, assignment, or performance, such as reminding an employee to wear safety equipment
- ☐ Counseling an employee regarding individual performance

Indicators of Meeting Transformation

Be alert to situations where a meeting that was not intended to be a formal discussion can be transformed into a meeting where the union would have a statutory right to representation.

- ☐ Supervisor/manager deviates from the planned agenda and raises matters concerning personnel policies, practices, or terms and conditions of employment.
- ☐ Supervisor/manager asks if there are any questions and an employee raises a matter that concerns personnel policies, practices, or terms and conditions of employment.
 - ☐ You may generally issue a short reply, but any prolonged discussion may turn the meeting into a formal discussion.
 - ☐ It is best to indicate that a more detailed discussion of the issue will take place in a separate meeting.